

REMARKS

Claims 1-31 and 37-42 are pending in the current application. Claims 1, 7, 14, 19, 25, 32 and 37-41 are independent claims. Claims 32-36 have been withdrawn.

35 U.S.C. §103(a) Lindskog in view of Joshi

Claims 1-6, 14-24, 37, 39 and 41-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2006/0120322 (“Lindskog”) in view of U.S. Publication No. 2005/0250521 (“Joshi”). Applicant respectfully traverses this art grounds of rejection.

Applicant agrees with the Examiner in that “Lindskog does not teach assigning a second sub-code derived from the first code to support a supplemental channel to the second subscriberstation”, and the Examiner further generalizes this deficiency by admitting that Lindskog does not teach assigning a second channel to a single mobile station (e.g., see Page 3 of the 2/12/2009 Office Action). The Examiner now cites to Joshi for allegedly curing this particular deficiency of Lindskog.

As an initial matter, Applicant notes that Joshi is assigned to the same assignee as the subject application. Regarding Joshi, the Examiner cites to paragraphs [0030]-[0031], which describes that an IS-95B reverse link traffic channel 140 can be assigned to a mobile station, with the IS-95B traffic channel 140 including both a fundamental code channel (FCCH) F, and potentially including up to seven supplemental code channels (SCCHs) S₀ ... S₆. In Joshi, the FCCH and SCCHs are characterized as follows:

The FCCH is a variable rate channel capable of operating at data transmission rates including a full rate, a half rate, a quarter rate, and an eighth rate. On the other hand, the SCCH operates only at a full rate when data is to be transmitted, and at a zero rate when no data is available.

(e.g., see [0005] of Joshi)

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The FCCH is a variable rate channel capable of operating at data frame rates (also referred to herein as "rates") including an FCCH full rate, a half rate, a quarter rate, and an eighth rate. The FCCH can carry data 136 from data source 134 and signaling information. Each of the assigned SCCHs S₀-S₆ can operate at only an SCCH full rate when data is to be transmitted and at a zero rate during DTX periods when no data is available to be transmitted.

(e.g., see [0031] of Joshi)

Thus, the FCCH carries a variable rate that can be anywhere between a full-rate and a zero-rate, whereas the SCCH can only carry the full-rate or the zero-rate. This aspect is illustrated in FIGS. 1A and 5 of Joshi. For example, Joshi states that if the FCCH includes "rates of 9600 bps (the RS1 FCCH full rate), 4800 bps, 2400 bps, or 1200 bps", then the SCCH can include "rates of 9600 bps (the RS1 SCCH full rate) or zero bps" (e.g., see [0033]-[0034] of Joshi). In another example, Joshi states that if the FCCH includes " rates of 14,000 bps, 7200 bps, 3600 bps, and 1800 bps", then the SCCH can include "SCCH rates of 14,000 bps or zero bps" (e.g., see [0036]-[0037] of Joshi).

Independent claim 1 has been amended to recite "wherein the first and second sub-codes are restricted to lower data-rate transmissions as compared to the first code". Similar amendments have been added to independent claims 7, 14, 19, 25, 32 and 37-41. By citing to paragraphs [0030]-[0031], with respect to the claimed "second subscriber station" of claim 1, it is Applicant's understanding that the Examiner is attempting to read the claimed "dedicated channel" and its associated code upon the FCCH and the claimed "supplemental channel" and its associated sub-code upon the SCCH(s). However, because the SCCH in Joshi is clearly capable of supporting data rates as high as the FCCH, it cannot be said that Joshi discloses or suggests "wherein the first and second sub-codes are restricted to lower data-rate transmissions as compared to the first code" as recited in independent claim 1 and similarly recited in independent claims 7, 14, 19, 25, 32 and 37-41. Again, Joshi discloses that the SCCH can support data rates equal to the highest data rate supported on the FCCH. For support of this Amendment,

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Applicant directs the Examiner to the Specification's discussion related to "using shorter length Walsh codes for higher data rate transmissions", wherein the claimed "sub-codes" can read upon longer-length Walsh codes in at least one embodiment (e.g., see [0027]-[0031] of the Specification).

As such, claims 2-6, 15-18, 20-24 and 42, dependent upon independent claims 1, 14, 19 and 41, respectively, are likewise allowable over Lindskog in view of Joshi at least for the reasons given above with respect to the independent claims.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

35 U.S.C. §103(a) Lindskog in view of Scherzer

Claims 7, 25, 38 and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2006/0120322 ("Lindskog") in view of U.S. Patent No. 6,901,062 ("Scherzer"). Applicant respectfully traverses this art grounds of rejection.

For similar reasons as those discussed above with respect to Lindskog in view of Joshi, Applicant has reviewed Scherzer and submits that Scherzer, like Lindskog and Joshi, also fails to disclose or suggest "wherein the first and second sub-codes are restricted to lower data-rate transmissions as compared to their respective first code" as recited in independent claim 7 and similarly recited in independent claims 25, 38 and 40.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

35 U.S.C. §103(a) Lindskog in view of Scherzer in further view of Joshi

Claims 8-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2006/0120322 ("Lindskog") in view of U.S. Patent No. 6,901,062 ("Scherzer")

in further view of U.S. Publication No. 2005/0250521 ("Joshi"). Applicant respectfully traverses this art grounds of rejection.

For reasons discussed in the preceding sections, Applicant respectfully submits that the combination of Lindskog, Scherzer and Joshi fails to disclose or suggest "wherein the first and second sub-codes are restricted to lower data-rate transmissions as compared to their respective first code" as recited in independent claim 7 and similarly recited in independent claims 14, 19 and 25.

As such, claims 2-7, 8-13, 15-18, 20-24 and 26-31, dependent upon independent claims 1, 7, 14, 19 and 25, respectively, are likewise allowable over Lindskog in view of Scherzer in further view of Joshi at least for the reasons given above with respect to the independent claims.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Reconsideration and issuance of the present application is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

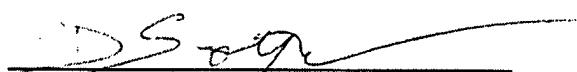
Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 5/7/09

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